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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,859	02/27/2004	Kent Ashby	15499.450.2	8490
22913 7590 06/21/2007 WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,859

Applicant(s)

ASHBY ET AL.

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-64 is/are pending in the application.
- 4a) Of the above claim(s) 30-39, 42, 43, 47, 48, 51-57, 61, 63 and 64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40, 41, 44-46, 49, 50, 58-60 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/2006</u> . | 6) <input checked="" type="checkbox"/> Other: <u>attachment</u> . |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 3/28/2007.

Election/Restrictions

2. Claims 30-39, 42-43, 47-48, 51-57, 61, and 63-64 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected Species I, II and IV, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/10/2006. Claims 30-39, 43, 48 are withdrawn from further consideration for including the claimed limitation of "a length of the upper portion of the first leg is adjustable..." which is drawn to a nonelected Species II of Figs 16-23. Claims 42, 47 are withdrawn from further consideration for including the claimed limitation of "the first leg can be removed from one of the pairs of leg receiving recesses and received within another of the pairs of leg receiving recesses to allow a height of the personal table to be adjusted" which is drawn to a nonelected Species II of Figs 16-23. Claims 51-57, 61, and 63-64 are withdrawn from further consideration for including the claimed limitation of either "a plurality of leg receiving recesses integrally formed in the table top as part of a one-piece construction" (as stated in claim 51) or "a plurality of receiving members integrally formed in the table top as part of a unitary, one-piece structure" (as stated in claims 52, 61, and 63), each of said limitations is drawn to a nonelected Species I of Figs 1-15.

Double Patenting

3. The terminal disclaimer filed on 3/28/2007 has been approved.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in (1) claims 40 and 58 of the first and second legs having "a second position in which the first leg and the second leg are in a collapsed configuration" and "a collapsed position", respectively (please note that the elected Species III which comprises figures 24-33 fail to show means for adjusting the length of the upper portion of one of the legs, so that the legs can be disengaged from the receiving recesses such that the legs can move to a collapsed configuration), (2) claim 41 "the second leg including an upper portion that is sized and configured to be selectively received within another of the pairs of the leg receiving recesses in the frame and the table top" (figures 24-33 of the elected Species fail to show a plurality of leg receiving recesses in the frame and the table top) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings were received on 3/28/2007. These drawings are acceptable.

Claim Objections

6. Claim 44 is objected to because of the following informalities: line 1, "a opening" should be "an opening". Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 50 and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 50, (1) line 1, "the pair of legs" lacks antecedent basis, thus indefinite; (2) lines 1-2, "the single leg assembly" lacks antecedent basis, thus indefinite; and (3) lines 2 and 3, the recitations of "a first leg" and "a second leg" are indefinite for failing to clearly define whether these first and second legs are the same or different from the ones recited in claims 40 and 49. Claim 62 line 1, "both of the legs" lacks antecedent basis, thus indefinite.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 40-41, 45-46, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,168,669 to Arnoff in view of 3,123,935 to Williams and USP 6,058,853 to Pinch.

Arnoff discloses a table comprising all the elements recited in the above listed claims including, such as shown in Figs 2, 4-5 & 8, a table top 1 constructed from plastic, the table top including an upper surface and a lower surface that is spaced apart from the upper surface; at least two pairs of leg receiving recesses 20-22 disposed on the underside of the table top; a single support assembly 2 that is sized and configured to support the table top above a surface, the single support assembly being capable of moving between an extended position in which the single support assembly supports the table top above the surface and a collapsed position to facilitate storage of the table, the single support assembly including only two legs 23-24, the single support assembly comprising: a first leg including a body portion and an upper portion, the upper portion

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of the first leg being sized and configured to be selectively received and retained within one of the pairs of leg receiving recesses; and a second leg including a body portion and an upper portion, the upper portion of the second leg being sized and configured to be selectively received and retained within another of the pairs of leg receiving recesses, the first leg and second leg being pivotally interconnected to form a generally X-shaped configuration. The different being that Arnoff does not disclose a drawer slidably connected to the lower surface of the table top, and the table top constructed from blow-molded plastic including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface.

Williams teaches the idea of providing a table top with a drawer thereto in order to allow one or more items to be stored in the drawer. Therefore, it would have been obvious at the time of the invention to modify the structure of Arnoff by providing the table top with a drawer in order to allow one or more items to be stored in the drawer, as taught by Williams, since both teach alternate conventional table top structure, used for the same intended purpose of supporting objects thereon, thereby providing structure as claimed.

Pinch teaches the idea of a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface

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and the lower surface; wherein the blow-molded plastic table top structure provides a light weight, yet sturdy table top. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, by providing a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface for the purpose of having a light weight, yet sturdy table top, as taught by Pinch, since both teach alternate conventional table top structure, used for the same intended purpose, thereby providing structure as claimed.

12. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnoff, as modified, as applied to claim 10 above, and further in view of USP 5,484,822 to Wu.

Arnoff, as modified, discloses all the elements as discussed above except for an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position.

Wu teaches the use of an opening integrally formed in a generally downwardly lip formed in a table top to provide a recessed retainment to be old. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, to include an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position, as taught by Wu, since

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both teach alternate conventional table having folding leg structure, used for the same intended purpose, thereby providing structure as claimed.

13. Claims 58-60, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,168,669 to Arnoff in view of 3,123,935 to Williams, USP 6,058,853 to Pinch, and USP 5,484,822 to Wu.

Arnoff discloses a table comprising all the elements recited in the above listed claims including, such as shown in Figs 2, 4-5 & 8, a table top 1 constructed from plastic, the table top including an upper surface and a lower surface that is spaced apart from the upper surface; at least two pairs of leg receiving recesses 20-22 disposed on the underside of the table top; a single support assembly 2 that is sized and configured to support the table top above a surface, the single support assembly being capable of moving between an extended position in which the single support assembly supports the table top above the surface and a collapsed position to facilitate storage of the table, the single support assembly including only two legs 23-24, the single support assembly comprising: a first leg including a body portion and an upper portion, the upper portion of the first leg being sized and configured to be selectively received and retained within one of the pairs of leg receiving recesses; and a second leg including a body portion and an upper portion, the upper portion of the second leg being sized and configured to be selectively received and retained within another of the pairs of leg receiving recesses, the first leg and second leg being pivotally interconnected to form a generally X-shaped configuration. The different being that Arnoff does not disclose a drawer slidably connected to the lower surface of the table top, and the table top including a

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lower surface, an upper surface spaced apart from the lower surface, and an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position.

Williams teaches the idea of providing a table top with a drawer thereto in order to allow one or more items to be stored in the drawer. Therefore, it would have been obvious at the time of the invention to modify the structure of Arnoff by providing the table top with a drawer in order to allow one or more items to be stored in the drawer, as taught by Williams, since both teach alternate conventional table top structure, used for the same intended purpose of supporting objects thereon, thereby providing structure as claimed.

Pinch teaches the idea of a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface; wherein the blow-molded plastic table top structure provides a light weight, yet sturdy table top. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, by providing a table top constructed from blow-molded plastic, the table top including a lower surface, an upper surface spaced apart from the lower surface, and a hollow interior portion that is formed during the blow-molding process, the hollow interior portion being at least partially disposed between the upper surface and the lower surface for the purpose of having a light weight, yet sturdy table

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top, as taught by Pinch, since both teach alternate conventional table top structure, used for the same intended purpose, thereby providing structure as claimed.

Wu teaches the use of an opening integrally formed in a generally downwardly lip formed in a table top to provide a recessed retainment to be old. Therefore, it would have been obvious to modify the structure of Arnoff, as modified, to include an opening integrally formed in a generally downwardly lip formed in the table top, the opening being sized and configured to receive at least a portion of the first leg and the second leg when the first leg and second leg are in a collapsed position, as taught by Wu, since both teach alternate conventional table having folding leg structure, used for the same intended purpose, thereby providing structure as claimed. In regard to claim 60, Arnoff, as modified by Wu by providing an opening, facilitates stacking of the table.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
June 09, 2007

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Lanna Mai

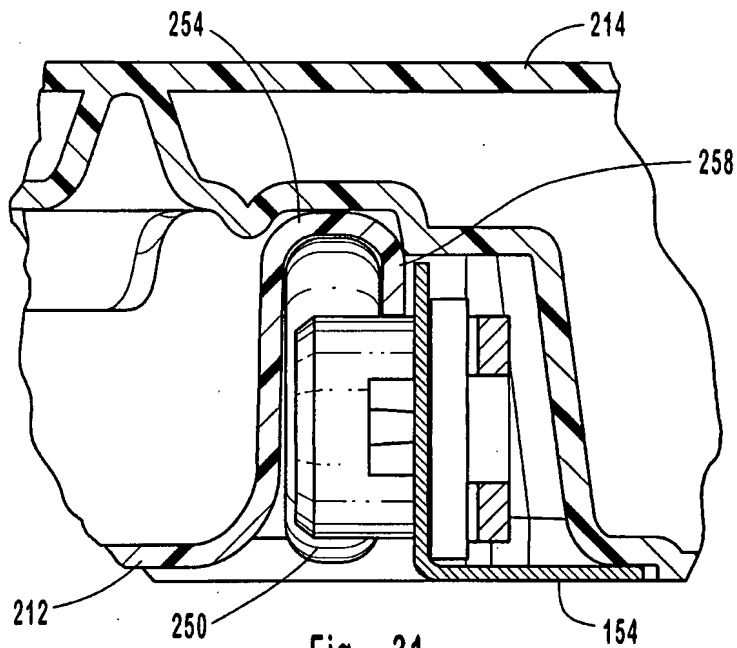


Fig. 31

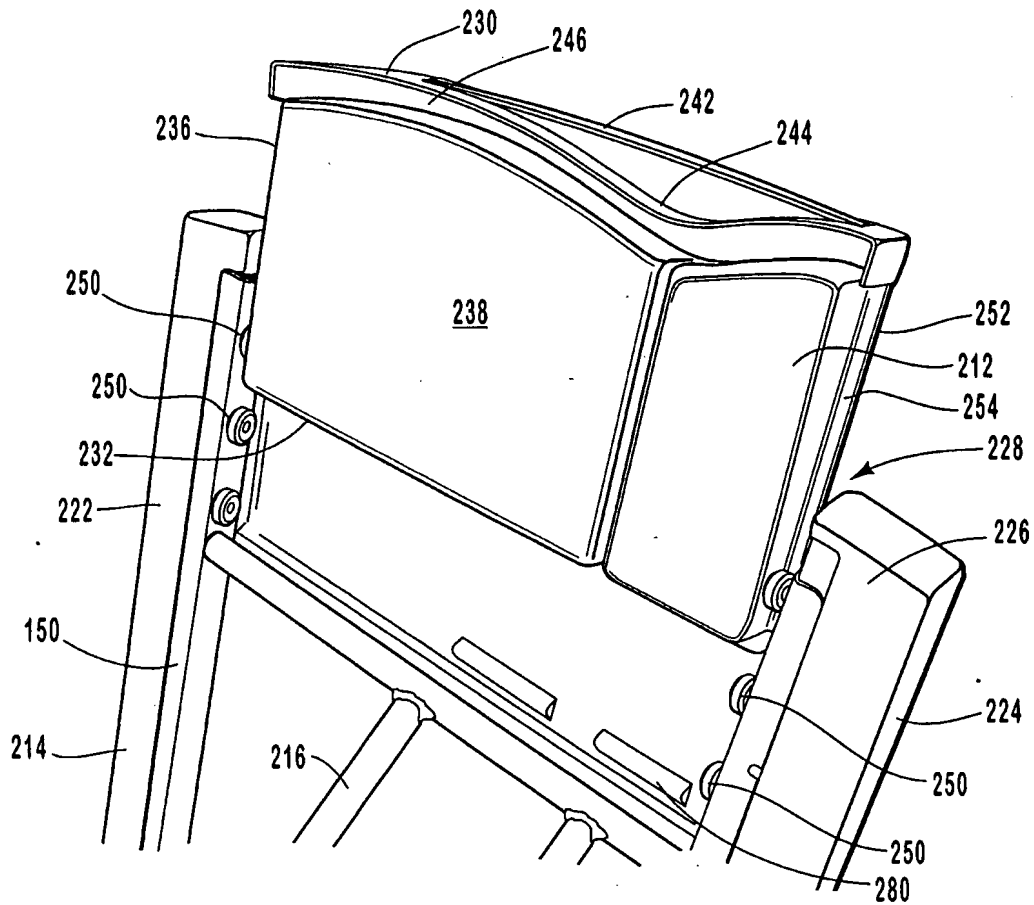


Fig. 32

Acceptable!
HVT 6/8/08